

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01 AND ORDINANCE NO. 88-11-01; GRANTING A SPECIFIC USE PERMIT FOR SELF-STORAGE/MINI-WAREHOUSE ON A TRACT OF LAND SITUATED IN THE WILLIAM MCNEIL SURVEY, ABSTRACT NO. 591, IN THE CITY OF FRISCO, COLLIN COUNTY, TEXAS, CONTAINING 5.468 ACRES MORE OR LESS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND COMPREHENSIVE ZONING ORDINANCE NO. 00-11-01; PROVIDING FOR SAVING, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council"), has investigated and determined that the Comprehensive Zoning Ordinance No. 00-11-01 and Ordinance No. 88-11-01 should be amended and pursuant to a notice being duly posted according to law, conducted a public hearing wherein a request was made by John D. Myers, dba "Frisco EZ Storage, L.L.C." ("Applicant") to allow a Specific Use Permit for Self-Storage/Mini-Warehouse on a tract of land zoned Commercial-1 (C-1), the tract of land is situated in the William McNeil Survey, Abstract No. 591, in the City of Frisco, Collin County, Texas ("Frisco"), involving 5.468 acres more or less, and as more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

WHEREAS, the City Council finds that the Applicant has agreed to comply with all provisions of the ordinances of Frisco, including but not limited to, Frisco's Comprehensive Zoning Ordinance No. 00-11-01 and any amendments thereto, and has further agreed to comply with the additional restrictions set forth herein and the conditions set forth in the attached site plan; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Frisco to grant the Specific Use Permit, and that such grant will not be detrimental to the public welfare, safety or health, and that the Specific Use Permit should be granted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Specific Use Granted. Applicant is granted a Specific Use Permit to allow for Self-Storage/Mini-Warehouse on a tract of land situated in the William McNeil Survey, Abstract No. 591, in the City of Frisco, Collin County, Texas. The site shall be

developed as follows:

1. Hours of operation limited to 8:00 a.m. to 6:00 p.m.
2. Landscape Plan must be approved by City Council.
3. The development shall be constructed according to the facade plan as more particularly described in Exhibit "C", attached hereto and incorporated herein.
4. Wall sign not to be lit.
5. Hike and bike trail shall be constructed prior to final acceptance of the development as more particularly described in Exhibit "B", attached hereto and incorporated herein.
6. The property shall be deed restricted for fifty (50) years. The City Council may terminate deed restrictions at any time.
7. Limit the allowable uses to Office-2 (O-2) with the following amendments.
 - a. Eliminate the following land uses
 - i. Halfway House
 - ii. Hospital for Insane, Liquor or Narcotic Elated Patients
 - iii. Amateur Radio, TV or CD Antenna
 - iv. Water Pump Station
 - v. Water Storage Tanks
 - b. Require SUP for the following land use
 - i. Accessory Building
 - ii. Mini-Warehouse/Caretaker's Quarters. This use is restricted to the area specified in Exhibit "A", attached hereto and incorporated herein.

The Property as a whole and the boundaries are more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes as if set forth verbatim. The Self-Storage/Mini-Warehouse shall be develop in compliance with the conditions expressly stated in the site plan and zoning exhibit attached hereto as Exhibit "B", and incorporated herein for all purposes as set forth verbatim.

SECTION 3: Failure to Comply/Assignable and Transferable. Except as otherwise stated above, all terms of the Specific Use Permit shall be compiled with prior to issuance of a certificate of occupancy. Failure to comply with any term or condition of this Ordinance, applicable Exhibits or Frisco's Comprehensive Zoning Ordinance No. 00-11-01, as they exist or may be amended, will result in the Specific Use Permit being declared null and void and of no force and effect. The Specific Use Permit is issued to the person

named above and is assignable and transferable.

SECTION 4: Specific Use Permits Regulations. Upon holding a properly notified public hearing, the City Council may amend, change, or rescind a specific use permit if:

There is a violation and conviction of any of the provisions of this ordinance or any ordinance of the City of Frisco that occurs on the property for which the Specific Use Permit is granted;

The building, premise, or land used under a Specific Use permit are enlarged, modified, structurally altered, or otherwise significantly changed unless a separate Specific Use Permit is granted for such enlargement, modification, structural alteration, or change;

Non-compliance with the requirements for the outdoor storage or upon finding that any of the operational requirements imposed at the time of granting the Specific Use Permit are not met or thereafter cease to exist;

Violation of any provision of the terms or conditions of this Specific Use Permit;

Ad valorem taxes on the property are delinquent by more than six (6) months; or

The Specific Use Permit was obtained by fraud or with deception.

SECTION 5: Compliance/Specific Use Permit Effective Date. The Applicant shall comply with all terms and conditions of the ordinances of Frisco, including but not limited to, Frisco Comprehensive Ordinance No. 00-11-01, as it exists or may be amended. This Specific Use Permit shall be effective from and after the effective date of this Ordinance.

SECTION 6: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of the above-referenced tract of land in some manner other than as authorized by this Ordinance or other applicable Ordinances.

SECTION 7: Penalty. Any person, firm or corporation who violates any provision of this Ordinance or Frisco's Comprehensive Zoning Ordinance No. 00-11-01 shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand Dollars (\$2,000.00), and each and every day such violation continues shall be considered a separate offense; provided, however, such penal provision shall not preclude a suit to enjoin such violation.

SECTION 8 Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that is would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9: Conflicting Ordinance. All ordinances in conflict herewith are repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 10: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this _____ day of _____, 2000.

	KATHLEEN A. SEEL, Mayor
ATTESTED AND CORRECTLY RECORDED:	APPROVED AS TO FORM:
NAN PARKER, City Secretary	ABERNATHY, ROEDER, BOYD & JOPLIN, P.C. RICHARD M. ABERNATHY City Attorney

DATE OF PUBLICATION: _____, **FRISCO ENTERPRISE**